

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in view of the following remarks is respectfully requested.

Claims 1-36 are currently active. Claim 1 has been amended by the current amendment.

In the outstanding Office Action, the specification was objected to for listing two Japanese applications without disclosure of those applications through an IDS; the drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5); the drawings were objected to under 37 C.F.R. § 1.83(a); Claims 1, 9, 13-17, 20, 28, and 32-35 were rejected under 35 U.S.C. § 102(b) as being anticipated by “Applicants’ admitted prior art (Admission);” Claims 2, 5, 21, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Admission in view of Takeda et al.; Claims 4, 8, 23, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Admission in view of Kondo et al.; Claims 6 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Admission in view of Enomoto et al.; Claims 10, 11, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Admission in view of Tanigawa et al.; Claims 12 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Admission in view of Eto; Claims 18 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Admission in view of Taniguchi; and Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Admission in view of U.S. Patent No. 5,912,100 to Aoki et al.

Claims 3, 7, 22, and 26 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form. Applicants acknowledge with appreciation the indication of allowable subject matter. However, because Applicants believe that they are entitled to the scope of protection defined by independent Claims 1 and 20, Claims 3, 7, 22, and 26 have been maintained in dependent form.

In response to the objection to the specification, Applicants have filed herewith an Information Disclosure Statement disclosing Japanese publications 08-3656 and 06-82226. In view of this disclosure, Applicants do not anticipate a further objection to the specification.

In response to the objection to the drawings, Applicants have submitted herewith a replacement figure with element numbers 2, 7, and 8 removed. Consequently, no further objection under 37 C.F.R. § 1.84(p)(5) is anticipated.

Regarding the objection to the drawings under 37 C.F.R. § 1.83(a), Applicants have submitted herewith a new Figure 1 illustrating the claimed features identified in the Office Action as missing from the drawings. In the replacement drawing, the distance between the sensor and the photoconductor surface “d,” the diameter of the charging roller “D1,” the diameter of the developing roller “D2,” and the diameter of the transferring roller “D3” have been added.

Regarding the binder resin and wax, the dispersion diameter, the circularity of the toner, and the particle diameter of the toner limitations, Applicants respectfully point out that each is a feature of the toner. However, no objection for failure to identify the toner has been entered. Hence, Applicants submit that the objection to the toner features is misplaced and should be withdrawn. If the Examiner disagrees, then the Examiner is invited to call the undersigned so that an agreement can be reached. Further, Applicants respectfully submit that the “developer stirring time” limitation is a functional feature of the claimed apparatus which cannot be illustrated. Hence, the objection to the drawings for failing to illustrate that feature should also be withdrawn. Consequently, no further objection to the drawings under 37 C.F.R. § 1.83(a) is anticipated.

Briefly recapitulating, the present invention is directed to an image forming apparatus. The apparatus includes a developing unit configured to have a developer stirring time per copy when one copy is made from an original which is two to six times the developer stirring

time per copy when two or more copies are made from the original. The toner comprises a binder resin and a wax, and the dynamic frictional coefficient of the toner is 0.15 to 0.45. As discussed in the specification at page 39, if the toner dynamic frictional coefficient is less than 0.15, the wax amount of the toner surface is too high, some parts of the photoconductor have a high frictional coefficient and other parts have a low frictional coefficient which leads to uneven wear of the photoconductor. If, the toner dynamic frictional coefficient is more than 0.45, the toner surface wax amount is too small such that a fixing offset occurs.

The Official Action asserts that Applicants have admitted that the subject matter of Claims 1, 9, 13-17, 20, 28, and 32-35 was known in the prior art. Applicants respectfully traverse. Applicants point out that the Official Action attempts to piece together various features from distinct prior art discussed in the Background and to treat the distinct features of the disclosed prior art as a single anticipatory system. However, at best, the asserted 35 U.S.C. 102(b) rejection is a 35 U.S.C. § 103 rejection because the Applicants have not admitted that a single system discloses each feature defined by the rejected claims. Further, because the Official Action fails to provide any motivation for combining this collection of disparate features, the Official Action fails to make out a *prima facie* showing that the prior art discussed in Applicants' Background section renders obvious the subject matter defined by Claims 1, 9, 13-17, 20, 28, and 32-35.

Applicants further traverse the assertion that the toner disclosed in Japanese publication No. 11-95477 having a dynamic frictional coefficient of toner between 0.12 and 0.30 reads on a range of 0.15 to 0.45. At best, the range disclosed in the Japanese publication overlaps the claimed range. However, the Official Action fails to argue why it would have been obvious to modify the claimed image forming apparatus to use toner having the claimed characteristics. Further, the Official Action fails to assert that the Japanese publication No.

11-95477 recognized that the dynamic frictional coefficient was a result effective variable.

See MPEP 2144.05

For the foregoing reasons, Applicants submit that the "Admission" fails to anticipate or render obvious the subject matter defined by independent Claims 1 and 20. Dependent Claims 2-19 and 21-36 are believed to be allowable for at least the same reasons that Claims 1 and 20 are believed to be allowable.

Consequently, no further issues are believed to be outstanding, and the current application is believed to be in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

W. Todd Baker
Registration No. 45,265